

1 DOUGLAS J. FARMER, Cal. Bar No. 139646  
doug.farmer@ogletreedeakins.com  
2 DAVID D. SOHN, Cal Bar No. 221119  
david.sohn@ogletreedeakins.com  
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
4 One Market Plaza  
San Francisco, California 94105  
5 Telephone: 415-442-4810  
Facsimile: 415-442-4870

6 Attorneys for Defendant  
7 KRAFT FOODS GLOBAL, INC.

8  
9 JOHN C. ELSBREE, Cal. Bar No. 104397  
580 California Street, Suite 1600  
San Francisco, CA 94014  
10 Telephone: 415-738-8009  
Facsimile: 415-738-8009

11 KATHLEEN A. O'REILLY, Cal. Bar No. 117193  
12 kathleen.a.oreilly@comcast.net  
516 Dix Way  
13 San Jose, CA 95125  
14 Telephone: 408-445-1271  
Facsimile: 408-445-2209

15 Attorneys for Plaintiff  
16 DANIEL DRAKE

17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20  
21 DANIEL DRAKE,  
22 Plaintiff,  
23 v.  
24 KRAFT FOODS GLOBAL, INC.;  
NABISCO, INC.; and  
25 Does 1 through 20, inclusive,  
26 Defendants.

Case No. C 08-04824 SI

**STIPULATION FOR SECOND  
CONTINUANCE OF INITIAL CASE  
MANAGEMENT CONFERENCE; AND  
[PROPOSED] ORDER**

Action Filed: November 30, 2007  
Trial Date: None set

---

27  
28 STIPULATION FOR SECOND CONTINUANCE OF INITIAL CMC; AND [PROPOSED] ORDER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**STIPULATION**

Plaintiff Daniel Drake (“Plaintiff”), through his counsel of record, and Defendant Kraft Foods Global, Inc. (“Defendant”), through its counsel of record, hereby stipulate and agree as follows:

1. Plaintiff filed his initial Complaint in San Francisco Superior Court on November 30, 2007. Defendant was never served with Plaintiff’s initial Complaint.

2. Plaintiff subsequently filed his First Amended Complaint on August 7, 2008. Plaintiff’s First Amended Complaint alleges the following causes of action: (i) disability discrimination; (ii) failure to reasonably accommodate known physical disability; (iii) failure to engage in timely good faith interactive process with employee; (iv) age discrimination; and (v) wrongful termination in violation of public policy. Defendant was served with the First Amended Complaint on September 22, 2008.

3. Defendant timely removed Plaintiff’s lawsuit to this Court on October 22, 2008. Upon removal, this action was assigned to U.S. Magistrate Judge Edward M. Chen.

4. On January 6, 2009, Defendant filed a Declination to Proceed Before a U.S. Magistrate Judge. On January 9, 2009, this action was assigned to U.S. District Judge Susan Illston.

5. Following removal of this lawsuit, Plaintiff and Defendant (collectively, “the Parties”), through their respective counsel of record, engaged in multiple discussions to determine the feasibility of resolving this matter through private mediation.

6. The Parties agreed to mediate this matter in front of the Honorable Rebecca Westerfield (Ret.) no later than April 23, 2009. The Parties filed a Stipulation to ADR Process on February 3, 2009.

7. The Parties agreed to and the Court ordered the following revised case management schedule:

a. **May 1, 2009** is the last date to meet and confer regarding initial disclosures.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS SO STIPULATED.**

DATED: May 8, 2009

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: \_\_\_\_\_ /s/

Douglas J. Farmer  
David D. Sohn

Attorneys for Defendant  
KRAFT FOODS GLOBAL, INC.

DATED: May 8, 2009

By: \_\_\_\_\_ /s/

John C. Elsbree

Attorney for Plaintiff  
DANIEL DRAKE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May \_\_\_\_, 2009



---

Susan Illston  
U.S. District Judge